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中华人民共和国主席令

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The revision of "Fire Prevention Law of the Peoples Republic of China" has been adopted at the Fifth Standing Committee Meeting of the Eleventh National People's Congress of the People's Republic of China on October 28, 2008, the revised "Fire Prevention Law of the Peoples Republic of China" is hereby publicized and to be implemented since May 1, 2009.

Hu Jintao, President of the People's Republic of China
October 28, 2008

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Fire Protection Law of the People's Republic of China

中华人民共和国消防法

(Adopted at the 2nd session of the Standing Committee of the Ninth National People's Congress on April 29, 1998 and amended at the 5th session of the Standing Committee of the Eleventh National People's Congress on October 28, 2008)

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Chapter I General Provisions

Article 1 This Law is formulated for the purposes of preventing fire disasters, reducing fire damages, strengthen the emergency response and rescue work, protecting the human and property safety and maintaining the public safety.

Article 2 In the fire protection work, the policy of focusing on prevention and combining prevention with fire fighting shall be observed, the principle of uniform governmental leadership, departmental supervision according to law, overall responsibilities of entities and active participation of citizens shall be followed, a safety accountability system for fire prevention shall be adopted, and a sound socialized fire protection network shall be established.

Article 3 The State Council shall lead the fire protection work throughout the country. The local people's governments at all levels shall be responsible for the fire protection work within their respective administrative areas.

The people's governments at all levels shall incorporate the fire protection work into the national economy and social development plans so as to ensure that the fire protection work be commensurate with the economic and social development.

Article 4 The public security department of the State Council shall supervise and administer the fire protection work throughout the country. The public security organ of a local people's government at or above the county level shall supervise and administer the fire protection work within its administrative area, and the fire protection division of the public security organ of such a people's government shall be responsible for carrying out the fire protection work. The fire protection work of a military facility shall be supervised and administered by the competent authority of the facility, with the help of the fire protection division of the public security organ. The fire protection work of an underground mine, nuclear power plant or offshore oil and natural gas rig shall be supervised and administered by the competent authority of the mine, plant or rig.

Other departments of the people's government at or above the county level shall, within their respective functions, do a good job in the fire protection under this Law and other relevant laws and regulations.

If any law or administrative regulation provides otherwise for the forest or grassland fire protection, the provisions of that law or administrative regulation shall prevail.

Article 5 Any entity or individual shall have the obligation to maintain the fire safety, protect fire protection facilities, prevent fire disasters and report fire alarms. Any entity or adult shall have the obligation to participate in the organized firefighting work

Article 6 The people's governments at all levels shall organize regular activities on fire protection publicity and education to raise citizens' awareness of fire safety.

Organs, social groups, enterprises, public institutions and other entities shall intensify the fire protection publicity and education for their personnel.

The public security organs and the fire protection divisions thereof shall intensify the publicity of laws and regulations on fire protection, and urge, direct and help the relevant entities to do a good job in the fire protection publicity and education.

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The competent administrative departments of education and human resources, schools, and relevant occupational training institutions shall incorporate the fire protection knowledge into the contents of education, teaching and training.

The press, radio, television and other relevant entities shall carry out fire protection publicity and education geared to the society.

Trade unions, communist youth leagues, women's federations and other groups shall organize the fire protection publicity and education by taking into consideration the characteristics of their respective objects of work.

The villagers' committees and residents' committees shall assist the people's government, public security department and other departments in intensifying the fire protection publicity and education.

Article 7 The state shall encourage and support the scientific research and technical innovations on fire protection, popularize the use of advanced fire protection and emergency response and rescue technologies and equipment, and encourage and support the fire protection activities for public good conducted by social forces.

Entities and individuals having made great contributions to the fire protection work shall be commended and rewarded under the relevant provisions of the state.

Chapter II Prevention of Fire Disasters

Article 8 The people's governments at all levels shall integrate the fire protection plan into the urban and rural planning, including the fire safety layout, firehouses, firefighting water supply, firefighting communications, fire truck passages, fire equipment, etc., and be responsible for organizing the implementation of the plan.

If the urban and rural fire safety layout does not meet the fire safety requirements, it shall be adjusted and improved. If the public fire protection facilities and equipment are inadequate or do not meet the actual demands, efforts shall be made in the building, rebuilding, allocation or technological innovation thereof.

Article 9 The fire protection design or construction of a construction project must conform to the national fire protection technical standards for project construction. The employer, as well as the designing, construction, project supervision and other entities, shall be responsible for the quality of fire protection design and construction according to law.

Article 10 For a construction project that needs a fire protection design under the national fire protection technical standards for project construction, the employer shall, subject to the provision of Article 11 of this Law, submit the fire protection design documents to the fire protection division of the public security organ for archival purposes within 7 working days from the day when it obtains the construction license, and the fire protection division of the public security organ shall conduct a spot check.

Article 11 For the construction of a large-scale people-intensive site or any other special construction project as prescribed by the public security department of the State Council, the employer shall submit the fire protection design documents to the fire protection division of the public security organ for examination. The fire protection division of the public security organ shall be responsible for the examination result according to law.

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Article 12 For a construction project subject to the fire protection design examination by the fire protection division of the public security organ, if it has not legally undergone or fails to pass the examination, the department responsible for approving a construction license for this project shall not grant a construction license for it, and the employer or construction entity shall not commence the construction. Where any other construction project with a construction license fails to pass a spot check, the construction shall stop.

Article 13 Where the construction of a construction project that needs a fire protection design under the national fire protection technical standards for project construction is completed, a fire protection as-built acceptance or filing shall be conducted as follows:

(1) For a construction project as described in Article 11 of this Law, the employer shall apply to the fire protection division of the public security organ for a fire protection as-built acceptance; and

(2) For any other construction project, the employer shall, after an acceptance, report it to the fire protection division of the public security organ for archival purposes, and the fire protection division of the public security organ shall conduct a spot check.

A construction project that is subject to a fire protection as-built acceptance according to law but fails to undergo or pass the fire protection as-built acceptance shall be forbidden to be put into use. Any other construction project that fails to pass a spot check shall cease to be used.

Article 14 The concrete measures for the fire protection design examination, fire protection as-built acceptance, filing and spot check of construction projects shall be formulated by the public security department of the State Council.

Article 15 Before a public gathering place is put into use or opens for business, the employer or user entity shall apply to the fire protection division of the public security organ of the local people's government at or above the county level for a fire safety inspection.

The fire protection division of the public security organ shall, within 10 working days from the day of accepting the application, conduct a fire safety inspection of such place under the provisions on fire protection technical standards and administration. The place shall not be put into use or open for business if it has not undergone a fire safety inspection or does not conform to the fire safety requirements upon inspection.

Article 16 Organs, social groups, enterprises, public institutions and other entities shall perform the following fire safety duties:

(1) to implement a fire safety accountability system, formulate the entity's fire safety bylaws and operating procedures for fire safety, and work out a firefighting and emergency evacuation preparedness plan;

(2) to prepare fire protection facilities and apparatuses under the national standards and industrial standards, set up fire safety signs, and conduct regular testing and maintenance so as to ensure that they are in good condition and effective;

(3) to make a thorough overhaul of the fire protection facilities in a building at least once a year so as to ensure that they are in good condition and effective, and archive complete and accurate overhaul records for future reference;

(4) to ensure that the evacuation passages, safety exits and fire truck passages are clear and the fire and smoke compartmentation and fire separation distance meet the relevant fire protection technical standards;

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(5) to organize fire prevention inspections so as to eliminate potential fire risks;

(6) to organize pertinent fire prevention drillings; and

(7) to perform other fire safety duties as prescribed by laws and regulations.

The major person in charge of an entity shall be the person responsible for the entity's fire safety.

Article 17 The fire protection division of the public security organ of a local people's government at or above the county level shall determine the entities which have a higher risk of fire disaster and in which the occurrence of a fire disaster may result in serious casualties or property losses as the key fire safety entities within its administration area, and report the same via the public security organ to the people's government for archival purposes.

The key fire safety entities shall perform the following fire safety duties besides those as described in Article 16 of this Law:

(1) to determine a fire safety manager who shall organize the fire safety management of this entity;

(2) to maintain the fire protection archives, determine the key fire safety spots, set up fire prevention signs, and conduct strict management;

(3) to exercise daily fire prevention patrol and maintain patrol records; and

(4) to offer pre-job fire safety training for employees and organize regular fire safety training and fire protection drilling.

Article 18 For a same building managed or used by two or more entities, the fire safety responsibilities of each party shall be defined, and persons in charge shall be specified to manage the common evacuation passages, safety exits, fire protection facilities of the building and fire truck passages in a unified way.

The realty service enterprise for a residential area shall maintain and manage the common fire protection facilities in the management area, and provide fire safety and prevention services.

Article 19 In arrangement, a site for the production, storage or trade of dangerous articles, such as flammables and explosives, shall not be in the same building as a residential site is, and shall keep a safe distance from a residential site.

If a site for the production, storage or trade of any other articles and a residential site are arranged in the same building, the national fire protection technical standards for project construction shall be satisfied.

Article 20 To hold a large-scale mass activity, the organizer shall apply to the public security organ for a safety permit, work out a firefighting and emergency evacuation preparedness plan, organize drillings, make a clear division of fire safety responsibilities, determine fire safety managers, keep the fire protection facilities and apparatuses complete, in good condition and effective, and ensure that the evacuation passages, safety exits, evacuation direction signs, emergency illuminations and fire truck passages conform to the provisions on fire protection technical standards and administration.

Article 21 It shall be forbidden to smoke or use naked fire at a place with a risk of fire disaster or explosion. If it is necessary to use naked fire in the construction or in any other special case, the relevant party shall go through the formalities for a prior approval and take corresponding fire safety measures according to the relevant provisions, and the operation staff shall abide by the fire safety provisions.

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fire risk found;

(4) designating a fire product brand, fire product sales entity, fire protection technical service institution or fire protection facility construction entity for a user or employer by taking advantage of his position, or doing so in a disguised form;

(5) using any fire truck, fireboat, fire apparatus, fire equipment or fire facility for any matter irrelevant to fire protection and emergency response and rescue; or

(6) any other act of abuse of power, neglect of duty or practice of favoritism.

Where any of the personnel of the administrative department for construction, product quality supervision or industry and commerce abuses his power, neglects his duties or practices favoritism, which, however, does not constitute a crime, he shall be given a sanction.

Article 72 Whoever violates this Law shall be subject to the criminal liability if the violation constitutes a crime.

Chapter VII Supplementary Provisions

Article 73 Definitions for the purposes of this Law:

(1) The term “fire protection facilities” refers to the automatic fire alarm system, automatic fire extinguishing system, fire hydrant system, smoke exhaust system, and emergency broadcasting, emergency illumination and safe evacuation facilities.

(2) The term “fire protection product” refers to a product exclusively used for the fire prevention, fire fighting or rescue, fire protection, sheltering, or fleeing to safety.

(3) The term “public gathering place” refers to a hotel, restaurant, shopping mall, market, waiting room of a passenger transport station, waiting room of a passenger transport dock, terminal of a civil airport, gym, stadium, auditorium, public amusement place, etc.

(4) The term “people-intensive site” refers to a public gathering place, outpatient or ward building of a hospital, teaching building, library or collective dormitory of a school, nursing home, welfare institution, nursery, kindergarten, reading room of a public library, exhibition room of a public exhibition center or museum, production or processing workshop or collective employee dormitory of a labor-intensive enterprise, tourist place, religious activity venue, etc.

Article 74 This Law shall be implemented since May 1, 2009.

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